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ORIGINAL

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS

FILED

4-29-2

CLERK, U.S. DISTRICT COURT  
By \_\_\_\_\_  
6/1/02

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

MANUEL ORNELAS,  
FREDDY BENITES,  
SATURNINO RODRIGUEZ,  
GERMAN LOPEZ

Plaintiffs

VS

THE CITY OF PLANO,  
CITY OF PLANO POLICE DEPARTMENT,  
JOHN DOE OFFICERS

Defendants

CIVIL ACTION NO.

3-02-1-V-09051

ORIGINAL COMPLAINT

**PLAINTIFF DEMANDS TRIAL BY JURY**

**I. NATURE OF CLAIM**

(1) This is an action based on national discrimination under the Civil Rights Act of 1964, 42 U.S.C. § 1981(e) et seq., as amended in 1972, (hereafter Title VII); the Civil Rights Act 42 U.S.C. Section 1983, for intentional infliction of emotional distress, for false imprisonment and slander damage to reputation under the laws of the State of Texas.

**II. JURISDICTION AND VENUE**

(2) The jurisdiction of this Court is invoked pursuant to 28 U.S.C §§ 1331, 1343 (4), 2201 and 2202; Title VII; and the principles of pendent jurisdiction. Jurisdiction to grant injunctive relief and declaratory relief as well as damages is invoked pursuant to 42 U.S.C. § 2000(e) - 5(f) and (g) and 29 U.S.C. § 626 (B), along with monetary relief for tort damages.

- (3) The violation of the Plaintiff's civil rights of which plaintiffs complain occurred within the Northern District of Texas and venue is therefore proper in this District pursuant to § 706(f)(3) of Title VII, 42 U.S.C. § 2000e-5(F)(3); ;42 U.S.C. 1983.

### **III. PLAINTIFF**

- (6) Plaintiff Manuel Ornelas is a hispanic male of the United States and a resident of the City of Dallas, State of Texas.
- (7) Plaintiff Freddy Benites is a hispanic male of the United States and a resident of the City of Dallas, State of Texas.
- (8) Plaintiff Saturnino Rodriguez is a hispanic male of the United States and a resident of the City of Dallas, State of Texas.
- (9) Plaintiff German Lopez is a hispanic male of the United States and a resident of the City of Dallas, State of Texas.
- (10) Plaintiffs were forced to file this suit to remedy the violation of their civil rights.
- (11) The violation of civil rights still continues.

### **IV. DEFENDANTS**

- (12) Defendant CITY OF PLANO may be served through City Secretary, Elaine Bealke, 1520 Ave. K, Plano, Texas 75074
- (13) Defendant CITY OF PLANO POLICE DEPARTMENT may be served through City Secretary, Elaine Bealke, 1520 Ave. K, Plano, Texas 75074

## **V. FACTUAL BASIS**

Plaintiffs were working in Plano, Texas when Police Officials of Plano wrongfully arrested Plaintiffs. Despite the fact that the Defendants had no basis to falsely imprisoned them, Plaintiffs' trucks were towed and their reputation was damaged. Plaintiffs had to incur expenses to be bonded out of jail and have incurred damages because of these false accusations.

## **VI. FIRST CAUSE OF ACTION**

- (14) Plaintiff repeats and realleges each and every allegation contained in paragraphs 1 through 13 of this Complaint with the same force and effect as if set forth herein.
- (15) Defendants have discriminated against plaintiff by causing them extreme emotional distress.
- (16) Plaintiff is now suffering and will continue to suffer irreparable injury and monetary damages as a result defendant's discriminatory practices unless and until this Court grants relief.

## **VII. SECOND CAUSE OF ACTION**

- (17) Plaintiff repeats and realleges each and every allegation contained in paragraphs 1- 13 of this Complaint with the same force and effect as if set forth herein.
- (18) Defendants have discriminated against plaintiff by the false imprisonment of the plaintiff.
- (19) Plaintiff is now suffering and will continue to suffer irreparable injury and monetary damages as a result of defendant's discriminatory practices unless and until this court grants relief.

### **VIII. THIRD CAUSE OF ACTION**

- (20)** Plaintiff repeats and realleges each and every allegation contained in paragraphs 1-13 of this Complaint with the same force and effect as if set forth herein.
- (21)** Defendants have slandered the reputation of the plaintiff.
- (22)** Plaintiff is now suffering and will continue to suffer irreparable injury and monetary damages as a result of defendant's retaliatory practices unless and until this Court grants relief.
- (23)** Plaintiff states that the actions of the Defendants are actionable under the tort law of the State of Texas.

As a result of the aforesaid discrimination, Plaintiff suffered emotional distress, mental anxiety, loss of reputation, humiliation .

**WHEREFORE** Plaintiff prays for:

- (1)** emotional distress damages;
- (2)** punitive damages;
- (3)** attorneys' fees, litigation expenses and costs;
- (4)** any and all relief as may necessary, just, and proper.

  
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ROSALIND A. KELLY  
State Bar No. 11237580  
2515 Inwood Rd., Suite 229  
Dallas, Texas 75235  
(214) 654-0038  
(214) 654-0136 (fax)

**JURY DEMAND**

Plaintiff requests a jury trial on all issues triable by jury.

Rosalind Kelly, sc  
Attorney for Plaintiff

**CERTIFICATE SERVICE**

I hereby certify that a true and correct copy of the foregoing document has sent by certified mail to Elaine Bealke, City Secretary of Plano, 1520 Ave. K, Plano, Texas 75074 this the 29th day of April, 2002.

  
ROSALIND A. KELLY